

Local Government Employee-Management Relations Board E-Newsletter

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Status of Proposed New Regulations

The EMRB has both seen and responded to the formal draft of the proposed regulations by the Legislative Counsel Bureau (LCB). We hope to receive the final version from the LCB any day now. When we do receive the final draft we will then schedule the next public workshop for the purpose of receiving comments on that draft. We hope that the public workshop will be held sometime in the latter part of October. This would enable the EMRB to then hold the required public hearing at the Board's November 13th meeting.

The impetus for the regulations is the enactment of two bills into law in the recent session of the legislature. AB 113 makes it a prohibited practice for a local government to not accommodate a nursing mother with respect to reasonable time off and a clean, private place. AB 113 further requires that the EMRB adopt an expedited review process, including simplified complaint filing and an expedited review by the Commissioner in lieu of the Board.

SB 460 increases the size of the Board from three to five members and allows the agency to hear cases in panels of three Board members. The proposed regulation specifies how the Board members are to be selected for the panels, who is to be the presiding officer of a given panel, and the process for assigning cases to the panels. The regulations also allow the Commissioner to designate a given case as a case of statewide significance, which would then be heard by the entire Board. Finally, the regulations allow for a possible *en banc* reconsideration of a panel's decision when the panel's decision was a split decision.

In addition to the two driving forces for the regulations, a few other changes are being recommended, based upon comments received at the initial public workshop. One specifies the process for the submittal of *amicus* briefs in cases before the agency. Specifically, the proposed regulation would either allow the Board to solicit *amicus* briefs or else a local government or employee organization could request to do so by the filing of a motion.

Once we receive the final draft from the LCB we will be sending out the formal public workshop notice both by e-mail and via U.S. mail to the official contact persons at each local government and employee organization, as well as the attorneys and other interested persons on our mailing lists. The public workshop will be video-conferenced to Northern Nevada. So watch for the specifics soon!

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Special Events Held in September

This past month was chock full of special events for the EMRB. First, on September 7th Commissioner Snyder had the good fortune to teach a two-hour continuing legal education seminar at the Clark County Law Library. Twenty attorneys attended the session, which was the maximum the room could hold. The session was entitled EMRB Update 2017 and the subjects covered included an overview of the EMRB, recent legislation, status of cases at the Nevada Supreme Court and in local courts, summaries of recent Board decisions, tips for practicing before the EMRB, and a discussion of the EMRB's discrimination provisions. We have since been invited back to give another two-hour CLE in March on the ABC's of litigating before the EMRB.

Then on September 19th the new Nevada State Business Center was officially opened with a ribbon-cutting ceremony. A number of state and local dignitaries attended.

Finally, on September 21st Commissioner Snyder gave a similar talk to that above to about 60 human resources professionals who work for local governments located primarily in Southern Nevada. This is the third time he has attended the annual conference of the Nevada Public Employers Labor Relations Association.

If you would like the Commissioner to speak to your group please contact our office at the number listed in this e-newsletter.

Did you know that local government employees received the right to collectively bargain through the passage of the Dodge Act? This act was sponsored by State Senator Carl Dodge, who was from Fallon. What is the significance of the picture below with respect to the Dodge Act? For the answer go to the bottom of page 3.



In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. The Board has now scheduled cases through October 2017.

October 10-12, 2017 in Las Vegas

2017-011, SEIU, Local 1107 v. Southern Nevada Health District

November 14, 2017 in Las Vegas (Video-Conferenced to Carson City)

No hearings scheduled.

December 12-14, 2017 in Las Vegas

2017-010, Kerns & Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

The following case is in the queue, waiting for a potential hearing date:

2017-014, Kash Christopher v. City of Mesquite

On the Horizon

The next meeting of the Board will be held in Las Vegas on Tuesday, October 10th through Thursday, October 12th. The agenda for the meeting will be issued on Tuesday, October 2nd. At that time the Board is scheduled to hear 2017-0011, SEIU, Local 1107 v. Southern Nevada Health District. This is an appeal of a denial by the employer to allow three new classifications be within the bargaining units at the health district. The employer claims that the Employee Health Nurse positions should be excluded from a bargaining unit for three reasons: (1) the request was beyond the statute of limitations; (2) the position is an administrative position and thus barred by law; and (3) the position is a confidential position and thus barred by law. The employer also claims that the Academic Affairs Coordinator position should be excluded because it is both an administrative position and is a confidential position. Finally, the employer claims that the Helpdesk and Application Support Supervisor position should be excluded both because the predecessor position was excluded and also because it is a confidential position.

“Did You Know” Answer

In the spring of 1969 teachers working for the Clark County School District made a concerted effort to picket the Las Vegas Strip for better wages and working conditions. Some of the moguls on the Strip believed this was not good for the image of Las Vegas. This in turn led to Senator Dodge proposing a solution to get the teachers off the Strip, which was to allow local government employees to collectively bargain with their local government employers. This is a picture of the Strip in 1969. Note the number of hotels that no longer exist. A close look at the picture might reveal a few other nuggets, such as the recently-departed Jerry Lewis playing at the Sands.

“About the EMRB”

The Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between local governments and their employee organizations (i.e., unions), provides support in the process, and resolves disputes between local governments, employee organizations, and individual employees as they arise.